LICENSES AND CONSUMER SERVICES LICENSE INSPECTOR'S REPORT Extended Hours License L317-50028

Purpose of Application: Domino's Pizza is requesting to extend their business's hours of operation to 24 hours a day, seven days a week.

Applicant's Name (Legal Entity): Ultimate Challenge LLC

DBA/Trade Name: Domino's Pizza

Complete Address: 1113 Hennepin Avenue, Minneapolis, MN 55403

Telephone Number: 320-235-8277 x 5

Current Licenses: Food Manufacturer and Extended Hours (until 3:00 a.m.)

Zoning: B4N, DP, HA /Downtown Neighborhood District / Downtown Parking Overlay

District / Harmon Area Overlay District

Current Authorized Hours: 6:00 a.m. to 3:00 a.m. daily.

Neighborhood/Ward: Downtown West/7

Date of Application: July 23, 2012

Inspector: Leanne Selander, 612-673-3910

Public Hearing Requirement: A public hearing, with a 21-day notice, is required for an Extended Hours license application. 152 notices were mailed on August 31, 2012 to residents and property owners within 300 feet of the premises. The Downtown Minneapolis Neighborhood Organization and the Warehouse District Business Association (closest business association) were also notified and the neighboring multi-unit residential buildings were posted. The public hearing is scheduled for Sept. 24, 2012 at the Regulatory, Energy and Environment Committee.

Background:

Domino's has been at this location since at least 1997. The current licensee has held a Food Manufacturer's License here since April 2011. This Domino's was granted an Extended Hours license last August which allowed them to extend their hours of operation from 1:00 a.m. on weekdays and 2:00 a.m. on weekends to 3:00 a.m. daily. The applicant is now proposing to extend their hours to 24 hours a day, seven days a week, including walk up, sit down, and delivery service.

Findings as Required by the Minneapolis Licensing Code:

The Licenses and Consumer Services Division has analyzed the application and concludes that the application has answered the following:

A security plan that describes the security features, including personnel and equipment, that the applicant will employ and how they will be utilized:

Domino's on-site manager met with the Minneapolis Police 1st Precinct and completed the police department's security plan review for extended hours. The review included corporate security rules and procedures, along with delivery and carry-out safety measures. Dominos also provided a 20-page security plan detailing robbery prevention and personal safety. The 1st Precinct has advised the Licensing Division that they neither oppose nor support the Extended Hours license application.

Description of how the applicant will maintain an orderly appearance and operation of the premises with respect to litter and noise:

This Domino's is basically a pick-up and delivery establishment. They have a very small lobby with 4 stools at a counter window. Staff will check and remove litter at least twice daily at shift changes, and, in addition, twice a year Domino's conducts Eyes of the Customer inspections to ensure the establishment remains tidy. This Domino's does not play music inside the establishment and employees are instructed to keep the volume of their car radio at a minimum. In case of complaints, Domino's states that their area supervisor keeps open communication with the neighborhood association. In addition, delivery vehicles are inspected on a regular basis to ensure they are safe and quiet.

Description of how customers will quickly exit the establishment at closing time or during an emergency:

Because of the type of establishment, closing time protocol is not applicable.

Conformance with applicable zoning regulations, including, but not limited to, use, yards, gross floor area and specific developmental standards:

The existing business is a permitted use in the Downtown Neighborhood zoning district.

Other reasonable and pertinent information:

- Proximity of residences to the business.
- History of complaints.

These issues are discussed in detail below.

Proximity of establishment to permitted or conditional residential uses. Nature of the business and its impact on noise, light and traffic:

Although there are no residentially zoned districts within 500 feet of Domino's, there are a large number of residences within a very close proximity. The closest is Laurel Village's 25-story hi-rise, Hennepin Crossings, which is located directly across the street. Other Laurel Village homes, including townhouses, low-rises and another hi-rise are located within two blocks.

History of complaints related to the use.

As part of the application process, the Licensing Division reviews calls for police service, along with complaints, to determine whether the granting of an Extended Hours license would result in a business which "would unreasonably disturb the peace, quiet or repose of surrounding neighborhood" or "contribute to crime, disorderly behavior, noise, traffic, litter or parking problems in the area surrounding the business location." (MCO 309.60)

Calls for Service: In the last 12 months since Domino's received its Extended Hours license, records show the number of police calls for service to be 29. Of those, 21 were the types of nuisance calls which could potentially disturb the peace and quiet of the surrounding neighborhood, including such calls as loud music, drunken person, disturbance, customer trouble, and unwanted person. In the 12 months previous in which Domino's did not have extended hours, nuisance type calls for service numbered somewhat less, at approximately 16.

Licenses Division records show that there have been no violations related to operating outside the allowed hours of operation since Domino's received their Extended Hours license in 2011.

Complaints: On August 10, 2012, the Licensing Division received an email written by the Community Manager of Laurel Village in which she expressed opposition to the granting of a 24-hour Extended Hours license to Domino's. The letter is succinct and copied below.

"The concern over Domino's being open 24 hours is due to the fact that the current hours produce more than enough noise, public drunkenness and fights. The later it gets, the more these things escalate.

I personally have been woken up multiple times by yelling, arguing and screaming coming from after bar hours customers at Domino's. Laurel Village Security has commented on the loud clientele and negative behavior after 1:00 AM. Laurel Village residents have witnessed intoxicated persons falling into the street, running up to moving cars, urinating on the buildings and fighting in front of Domino's.

To date, it has been tolerated until 3:00 AM by Laurel Village residents and management. Having these disturbances all night long however, would be a different matter.

...Currently, the police are rarely called due to the fact that this is after all, Downtown with many entertainment venues which tends to be somewhat noisy after bar rush. Normally, 2:00 to 2:30 is the time when things finally quiet down. Extended hours will mean that there will be no relief from disturbances."

RECOMMENDATION (pending public hearing):

The Licenses and Consumer Services Division makes the following recommendation regarding this application to extend hours:

A recommendation for this license application will be made after the public hearing is held on Sept. 24th, 2012.

This is an annually reviewed license. If approved, these hours will be reviewed at the next license renewal period. It is possible to restrict the hours if there are violations related to the Extended Hours License.